

REMARKS

An Office Action was mailed on April 4, 2003 and declared final. Claims 1-13 are pending in the present application. Claims 8-12 are **allowed**.

INFORMATION DISCLOSURE STATEMENT

AGAIN, Applicant filed an Information Disclosure Statement on July 23, 2001, prior to the mailing date of the first action on the merits. A copy of the IDS and FORM PTO-1449 is attached. The documents cited therein were first cited in a communication from a corresponding international application not more than three months from the mailing date of the IDS. It is respectfully requested that the Examiner consider such references and acknowledge the same by initialing next to each reference, signing the PTO-1449 form and returning the same to the Applicant.

PRIOR ART REJECTIONS

Claims 1-7 and 13 are now rejected under 35 U.S.C. §103(a) as being unpatentable over Furukawa in view of Best '259. The Examiner continues to assert that Best teaches variation of a player's emotional response with the pressure-sensing output of a controller. However, Applicant respectfully submits that the Examiner's arguments fail to distinguish between "volition" and "emotion."

For instance, the Examiner describes a flight simulator scenario in his "Responses to Arguments" sections, which is based on a player's volitional actions. In Applicant's Response of October 25, 2002, Applicant distinguished between volitional and emotional actions. Applicant continues to assert that there is a patentable distinction between volitional actions, which are clearly known in the art of computer games and the like, and emotional actions or responses, which are *not inherently analogous* to volitional actions or responses. The difference between a volitional response and an emotional response is not merely the language used to describe a particular emotion as asserted by the Examiner. Instead, an emotional response introduces a human element that is quite distinct from a volitional response such as movement or the like.

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Be this as it may, and in order to clearly distinguish the claimed invention from the prior art, Applicant has introduced certain elements of claim 2 into claims 1 and 13 to emphasize that the magnitude of the pressure-sensing signal output has a direct effect on the degree of a variable emotion expressed by a screen character. In other words, instead of relating the pressure-sensing signal output to various, possibly unrelated emotions (such as happy, tired, confused, etc.), the claims as currently amended are now focused on a degree of a variable emotion (sad, slightly happy, happy, very happy). The Examiner is respectfully directed to FIG. 3 of the present specification for one embodiment of a graphical illustration of the claimed invention.

As noted previously, Furukawa '760 discloses a cross key 12 that has a conductive portion 33. The pressing force caused by a finger changes the electrical resistance of the conductive portion 33, so that the speed of the character's movement can be changed in response to the magnitude of the pressing force. Thus, Furukawa '760 merely teaches a volitional response. Best '259 discloses an emotional conversation between characters, with various, different emotional-type responses being responsive to player selections. However, Best '259 fails to provide a variable emotional expression that varies by degree in response to the pressing magnitude on the controller button. Again, the selection of inherently unrelated responses in Best '259 is characterized by a simple press of the button or a simple ON/OFF type maneuver. However, neither Furukawa '760 nor Best '259 teach the variation in degree of an emotional response in relation to the variation or magnitude in pushing pressure on the controller.

The Examiner further asserts that one skilled in the art would consider it obvious to modify Furukawa to include a magnitude of output values for different emotions by a pressure-sensitive means as taught by Best. Of course, the present invention is directed to a degree of a variable emotion, not to different emotions as arguably taught by Best. The prior art references simply fail to teach or reasonably suggest the structure resulting in the recording medium (claims 1-7) and computer (claim 13) claims as amended herein. One skilled in art would only arrive at the claimed invention by expanding the teachings of Best and Furukawa beyond what is disclosed therein. Both references clearly fail to

correlate a pressure-sensing output with a degree of a variable emotion as disclosed and claimed herein. Again, the only way to arrive at the Examiner's conclusion would be through the implementation of improper hindsight. The degrees of a variable emotion as claimed and as shown, for example, in FIG. 3 of the present invention, are not anticipated or remotely perceived in any of the prior art references asserted by the Examiner, and in particular Best and Furukawa.

Applicant respectfully re-submits that there is no suggestion of the desirability to combine the cited art, nor is there any motivation demonstrated in either of the references to combine them, nor is there any suggestion in the Best '259 reference to adapt the Furukawa '760 structure to the unique construction of the present invention, as amended herein. For instance, the Examiner continues to assert that "By having different magnitude of output values for different emotions by a pressure-sensitive means, one of ordinary skill in the art would be able to provide [a] realistic interactive game. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Furukawa to include a magnitude of output values for different emotions by a pressure-sensitive means as taught by Best. To do so would be able to provide true to life expressive communication between a game player and the character on the screen." However, as noted above, Best '259 only teaches the selection of emotions using an ON/OFF type switch from a variety of different emotional-type selections. Best '259 fails to teach or reasonably suggest the range and degree of a variable emotion as taught by the present invention and as claimed herein. There is no clear teaching or motivation in Best '259 to transform the type of conversational responses to various degrees of a variable emotion. FIG. 8 of Best '259 is clearly noteworthy and supports the Applicant's assertions that Best '259 pertains only to dialog branching of various different, selectable responses. Best '259 clearly fails to teach ranges of emotional expressions as taught by the Applicant. Therefore, one skilled in the art would not benefit at all from the teaching of Best '259 to create various degrees of a variable emotional response selection from the teaching of Furukawa '760. Accordingly, Applicant submits that there is no teaching, suggestion, or motivation to combine the

Furukawa '760 and Best '259 references in the manner suggested by the Examiner, and in a manner that results in the obviousness of the claimed invention as amended.

Accordingly, it is respectfully requested that the prior art fails to teach or reasonably suggest a recording medium on which is recorded a computer-readable and executable game software program that includes scenes of exchanges between a player or an on-screen character controlled by the player and other on-screen characters, and that includes a program that performs processing by taking as instructions an output from a controller which has pressure-sensitive means for sensing a magnitude of a pushing pressure of a player on the controller, wherein said software program comprises a processing program that processes the output of said controller as a variable emotion of the player, a degree of said emotion varying with the pushing pressure magnitude, as claimed herein.

Applicant further respectfully submits that the prior art fails to teach or reasonably suggest a computer comprising controller which has pressure-sensitive means and that is able to execute a game program that includes scenes of exchanges between a player or an on-screen character controlled by the player and other on-screen characters; means for generating a pressure-sensing output signal having a variable magnitude that is indicative of a variable pushing pressure applied by the player on said controller from said pressure-sensitive means, and means for transmitting a variable emotion of the player, a degree of said variable emotion corresponding to the magnitude of said pressure-sensing output signal to said at least one of other on-screen characters, as claimed herein.


Applicant further respectfully submits that the Examiner did not give due consideration to dependent claims 2-7 that recite situations that are clearly beyond the scope of the Best and Furukawa teachings. For instance, the claims relate pushing pressure to emotional degrees, whereas Best at best teaches unrelated emotional selections from a listing of various emotional responses. Again, the Examiner is respectfully direct to the dialog branching illustration of FIG. 8 in Best.

For all the reasons noted above, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-13, consisting of independent claims 1, 8 (already allowed) and 13 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, or should the Examiner feel that certain claim amendments would bring this case into better condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted, -



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